

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALLAN D. PAUL,

Plaintiff,

V.

DELOITTE & TOUCHE, LLP,
and DELOITTE & TOUCHE, USA, LLP,

Defendants.

C.A. No. 06-225-KAJ

Trial By Jury Demanded

MOTION TO DISMISS

Pursuant to F.R.C.P. 12(b)(1) and (6), Defendants, Deloitte & Touche LLP and Deloitte & Touche USA LLP, incorrectly identified in the Complaint as Deloitte & Touche, LLP and Deloitte & Touche, USA, LLP, hereby move to dismiss Plaintiff's Complaint because this Court lacks jurisdiction over the subject matter and because the Complaint fails to state claims upon which relief may be granted. The grounds for this motion are more fully set forth in Defendants' Opening Brief in Support Of Their Motion To Dismiss, filed simultaneously herewith.

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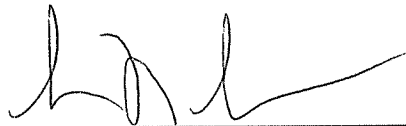
Dated: May 5, 2006

CERTIFICATE OF SERVICE

I, **Sheldon N. Sandler, Esquire**, hereby certify that on **Friday, May 5, 2006**, I electronically filed a true and correct copy of the foregoing **Motion to Dismiss**, which will send notification that such filing is available for viewing and downloading to the following counsel of record. A courtesy copy of such **Motion to Dismiss** was also hand delivered to the following counsel of record on this date.

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